

Report Date: February 28, 2023

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Mar 02, 2023**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Troy Edward Klein

Case Number: 0980 2:19CR00122-RHW-1

Address of Offender: [REDACTED] Spokane, Washington 99207

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: February 20, 2020

Original Offense: Possession with Intent to Distribute 50 Grams or More of Actual Methamphetamine, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 60 months
TSR - 48 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: David Michael Herzog

Date Supervision Commenced: October 31, 2022

Defense Attorney: Federal Public Defenders

Date Supervision Expires: October 30, 2026

PETITIONING THE COURT

To issue a warrant.

On October 31, 2022, Mr. Klein's conditions of supervision were reviewed by the probation officer and he signed said conditions acknowledging an understanding of his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Special Condition #4:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: The offender is alleged to have violated special condition number 4, by ingesting controlled substances, amphetamine, methamphetamine and marijuana, on or about February 15, 2023.

On February 15, 2023, Mr. Klein submitted a urine specimen at Pioneer Human Services (PHS) that returned presumptive positive for amphetamine, methamphetamine, and marijuana. At that time, he signed an admission form acknowledging use of said substances. It should be noted, the urine specimen was sent to the national laboratory for further testing and it was confirmed positive for amphetamine and methamphetamine, but was negative for marijuana.

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- 2 **Special Condition #3:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substances about treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: The offender is alleged to have violated special condition number 3, by failing to attend a group treatment session at PHS on February 16, 2023.

The probation officer received email correspondence from PHS indicating Mr. Klein failed to report for a scheduled group treatment session on February 16, 2023.

- 3 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 4, by failing to comply with urinalysis testing at PHS on or about February 24, 2023.

On February 24, 2023, Mr. Klein reported to PHS for a random urinalysis test. During the collection of his urine specimen, PHS staff observed a plastic tube around his groin area. When asked what the tube was, Mr. Klein responded that he had used and he did not want to go back to prison. When he was asked to provide the device to PHS staff, Mr. Klein stated it was a medical device to treat his hernia.

When questioned by the probation officer, Mr. Klein initially denied that he had used a device in an effort to defeat the drug test. Eventually, he admitted to using a device and indicated he had received a bag of urine from a friend. He further admitted using methamphetamine and marijuana on a daily basis.

- 4 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 4, by ingesting controlled substances, methamphetamine and marijuana, on or about February 27, 2023.

On February 27, 2023, Mr. Klein submitted a urine specimen at the U.S. Probation Office that returned presumptive positive for marijuana and methamphetamine. At that time, the offender indicated he had used methamphetamine a few weeks prior and had used marijuana on or about February 20, 2023.

On February 28, 2023, this officer contacted Mr. Klein to discuss the above-referenced urinalysis results. During that conversation, he admitted he had been dishonest with the probation officer regarding his drug use. He informed the undersigned he has been using methamphetamine and marijuana daily. Specifically, he stated he has been ingesting methamphetamine every morning before he goes to work and he smokes marijuana when he returns home from work until he goes to bed.

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The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

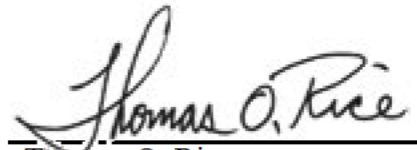
Executed on: February 28, 2023

s/Lori Cross

Lori Cross
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Thomas O. Rice
United States District Judge

March 2, 2023

Date